

**REMARKS**

Applicant respectfully requests favorable reconsideration of this application, as amended.

Applicant notes with appreciation the indication of allowable subject matter within Claims 1–7, 9, 12 and 18.

The specification was objected to as failing to provide proper antecedent basis for several features recited by the claims, and the drawings were objected to as failing to show every feature of the invention specified in the claims. The features found objectionable include “the resting surface being on the sliding element or the base body having the guiding surface in the embodiment where the sliding element is pushed from the 1<sup>st</sup> side into the case” (Office Action at Page 2). In response, Claim 10 has been amended accordingly. No new matter has been added, and Applicant respectfully submits that the specification and drawing objections have been overcome.

Claims 10, 11, 13–15, 20 and 21 were rejected under 35 U.S.C. § 102(b) as being anticipated by Brady (US 6,540,754), Claims 10, 11 and 21 were rejected as being anticipated by Cumming '275 (US 6,503,275) and Claims 10, 11, 19 and 21 were rejected as being anticipated by Cumming '708 (US 6,497,708). Claims 16, 17 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Brady in view of Cumming '275. Applicant respectfully traverses.

Additionally, without acceding to the § 102 rejection, Claim 10 has been amended to recite, more clearly, that the resting surface is externally accessible, as shown in FIGS. 2a–2f (depicting a resting surface 4 that is accessible from the exterior of case 2). No new matter has been added, and Applicant respectfully submits that none of the cited references, taken either singly or in combination, teaches or suggests all of the features recited by these claims.

**Claims 10, 13, 19<sup>1</sup> and 20 Are Patentable Over Brady**

Brady discloses an intraocular lens (IOL) insertion system that includes a folding member 52 and a tubular body 54 with two curved walls 56a and 56b. *See*, e.g., FIGS. 5A, 5B.

---

<sup>1</sup> Applicant notes that Claim 19 was not included in the list of claims anticipated by Brady. *See*, Office Action at Page 3 (last paragraph).

Wall 56b is fixed with respect to the tubular body 54, while wall 56a pivots about hinge 66 to form open and closed configurations. In the closed configuration, walls 56a, 56b define load chamber 70. Brady teaches that IOL 74 is positioned between open walls 56a, 56b and then folded into a U-shape when walls 56a, 56b are folded together.<sup>2</sup> Folding member 52 is then inserted into slot 84, contacts the mid-portion of singly-folded IOL 74 within load chamber 70 and folds IOL 74 (again) into an M-shape. Due to its "bi-stable resilient character," IOL 74 retains its multiply-folded shape after folding member 52 is removed from load chamber 70. *See, e.g., Col. 5:55 to Col. 6:61, Col. 7:8–17; FIGS. 4A, 4B, 5A, 5B, 8A, 8B.*

Brady fails to disclose an approximately plane resting surface for supporting the lens in a partially folded or non-folded state, as recited by Claims 10, 13 and 19, an externally accessible resting surface that adjoins an arched surface, as recited by Claim 10, and a first wing having an approximately plane resting surface that supports the lens in a partially folded or non-folded state, or folding the second wing onto the first wing so that the lens supported on the resting surface is held between the two wings, as recited by Claim 20.

Fundamentally, Brady fails to teach or suggest that hinge 66, or folding wings 72a, 72b, support or hold IOL 74. To the contrary, Brady clearly teaches that the inner surfaces of curved walls 56a, 56b support and hold IOL 74, in both the singly-folded and multiply-folded configurations. Applicant respectfully disagrees with the suggested operational variations of Brady proffered by the Office Action on Page 6 (2<sup>nd</sup> paragraph). Applicant submits that none of these hypothetical operations are suggested by Brady's disclosure, and, consequently, Applicant suspects that the Office Action may be engaging in impermissible hindsight reconstruction in this regard.

Brady also fails to teach or suggest a sliding element that slides the lens, supported on the planar resting surface, into the body and along the arched surface to fold or roll the lens, as recited by Claims 10, 13 and 19. Instead, Brady discloses that IOL 74 is first folded into a U-shape when curved walls 56a, 56b are closed about hinge 66, and then folded into an M-shape when folding member 52 is advanced into load chamber 70.

Consequently, Brady fails to disclose all of the features recited by Claims 10, 13, 19 and 20.

---

<sup>2</sup> FIG. 5A depicts a singly-folded, U-shaped IOL 74 positioned within load chamber 70. *See, also, FIG. 8A.*

**Claim 10 Is Patentable Over Cumming '275**

Cumming '275 discloses a lens insertion assembly 12 that includes a receptacle 22 and a tubular portion 24 that has a bore 30 and a tip 26 for inserting the lens into the patient's eye. Cumming '275 teaches that ram 36 moves unfolded lens 16, from a stored position within lens storage space 34, into bore 30, and folds lens 16 into a compact, folded configuration. *See*, e.g., Col. 5:11–53, Col. 6:14–26; FIGS. 6, 7, 10 and 11.

Cumming '275 fails to teach or suggest a sliding element that slides the lens, supported on the planar resting surface, into the body and along the arched surface to fold or roll the lens, as recited by Claim 10. Instead, Cumming '275 clearly discloses that unfolded lens 16 is *already stored*, in an unfolded configuration, within receptacle 22. Consequently, Cumming '275 fails to disclose all of the features recited by Claim 10.

**Claims 10 and 19 Are Patentable Over Cumming '708**

Similarly, Cumming '708 discloses a lens insertion assembly 12 that includes a receptacle 18 and a tubular portion 20 that has a lumen 21 and a tip 24 for inserting the lens into the patient's eye. Cumming '708 teaches that ram 32 moves unfolded lens 16 from a stored position, within lens storage chamber 26, into lumen 21 while folding lens 16 into a compact, folded configuration. *See*, e.g., Col. 1:38–65; FIGS. 1, 11A, 11B.

Cumming '708 fails to teach or suggest a sliding element that slides the lens, supported on the planar resting surface, into the body and along the arched surface to fold or roll the lens, as recited by Claims 10 and 19. Instead, Cumming '708 discloses that unfolded lens 16 is *already stored* within receptacle 18. Consequently, Cumming '708 fails to disclose all of the features recited by Claims 10 and 19.

**Conclusion**

Accordingly, Claims 10, 13, 19 and 20 are allowable over the cited references. Claims 11 and 21, depending from Claim 10, and Claims 14–17 and 22, depending from Claim 13, are also allowable, at least for the reasons discussed above.

In view of the amendments and remarks presented herein, Applicant respectfully submits that this application is in condition for allowance and should now be passed to issue.

A Notice of Allowance is respectfully solicited.

If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

The Commissioner is hereby authorized to charge any fees and to credit any overpayments that may be required by this paper under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 02-2135.

Respectfully submitted,



December 13, 2007

By: \_\_\_\_\_

Rothwell, Figg, Ernst & Manbeck PC  
1425 K Street, N.W., Suite 800  
Washington, D.C. 20005  
(202) 783-6040 (voice)  
(202) 783-6031 (fax)

Adam M. Treiber  
Registration No. 48,000

#1451580\_1